

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 30 2006

at 8 o'clock and 6 min. M  
SUE BEITIA, CLERK

Robert Sigouin #92215-022

% FDC Honolulu, Hi.,

PO BOX 30080

Honolulu, HI, 96820

UNITED STATES DISTRICT COURT DISTRICT OF HAWAII

	Case # CR 05-00248 JMS.
U.S.A.	MANDATORY JUDICIAL NOTICE OF VINDICTIVE
plaintiff	PROSECUTION, VIOLATION OF SPEEDY TRIAL
VS.	AND PETITION FOR IMMEDIATE DISMISSAL OF
ROBERT	CASE # CR 05-00248 JMS. AND AFFIDAVIT
ALEXANDER	IN SUPPORT.
SIGOUIN	By Robert Sigouin
Defendant	(special appearance)

MANDATORY JUDICIAL NOTICE OF VINDICTIVE PROSECUTION,  
VIOLATION OF SPEEDY TRIAL AND PETITION FOR IMMEDIATE  
DISMISSAL OF CASE # CR 05-00248 JMS.

Comes now Robert Sigouin a lawful man on the land by  
"special appearance" not general. I am an interested 3rd  
party intervener in Case/Account # CR 05-00248 JMS. I am  
accusing MARK A. INCIONG ESQ. A.U.S.A. with vindictive prose-  
cution and violation of sixth amendment speedy trial act  
of ROBERT ALEXANDER SIGOUIN for the following reasons;  
First: Colluding several times with RICHARD SKAWANA ESQ. SIGOUIN'S  
Former Counsel to exclude time from ROBERT ALEXANDER  
SIGOUIN'S right to a speedy trial. From AUG. 16th 2005 to NOV 8th 2005  
at this time MR SIGOUIN had never been advised of his right  
to a speedy trial guaranteed by the SIXTH AMENDMENT TO  
THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

II

when MARK A. INCIONG ESQ and RICHARD S. KAWANA ESQ, conspired to have time excluded from SIGOUIN'S SPEEDY TRIAL.

Second: From November 8th 2005 to December 13th 2005 when ROBERT ALEXANDER SIGOUIN on his own found out of the speedy trial act and objected to continuance MARK A INCIONG ESQ and RICHARD S. KAWANA ESQ. conspired again to have more time excluded from SIGOUIN'S Speedy trial. At this time MARK A. INCIONG acted like a grade school child "when SIGOUIN insisted on a speedy trial" and exclaimed quite loudly to the MAGISTRATE "Well he wants to go to jail does he, well i'll put him in jail." then while walking past SIGOUIN to leave to calm down he told SIGOUIN "You want to go to jail i'll put you in jail" as SIGOUIN looked down at the shackles on his ankles and replied "Just where do you think I am" then he left.

Third: In a letter from RICHARD S. KAWANA to ROBERT ALEXANDER SIGOUIN written NOV 8th 2005 stating "I spoke to the prosecutor, MR. INCIONG concerning the charges against you. He said that unless we are able to plea bargain the case by the Friday before the week of NOVEMBER 21st 2005 he would be filing another superseding indictment against you. First in a technical change, he would be amending the possession with intent to distribute charge to an attempt charge because when you were arrested (6 months and 2 superseding indictments ago.)

III

you did NOT ACTUALLY HAVE POSSESSION. He also stated that he planned to indict you for an ammunition charge based your being "an unlawful user of or addicted to any controlled substance" and your possession of the ammunition in your room that they found pursuant to the search warrant. This would be an alleged violation of 18 USC 922(g)(3) and 924(a)(2) and the charge carries a maximum penalty of 10 years. The prosecutor is taking the same hard nosed attitude against you as he did against CASH.

Fourth: Every time MR. SIGOUIN gets near a trial date MARK A. INCIONG files another superseding indictment (which is handed to SIGOUIN right before entering the courtroom while handcuffed and is expected to plea before even reading it) this is only so MARK A. INCIONG and RICHARD S. KAWANA could conspire for more time and keep ROBERT ALEXANDER SIGOUIN from having a speedy trial which is his 'Constitutional' right.

Fifth: When SIGOUIN went to court on Jan 6th 2006 for a mental evaluation motion RICHARD S. KAWANA filed against SIGOUIN in another way to take more time of the speedy trial SIGOUIN terminated KAWANA as COUNSEL and while swearing in, MARK A. INCIONG ESQ. A.U.S.A. actually looked at the MAGISTRATE LESLIE KOBAYASHI and twirled his right index finger around his ear at her just like a 6 or 7 year old child does when they say



IV

"COOKOO" "real professional" I tell you when trying to prosecute a 57 year old Father of 4 children and then at this time getting the MAGISTRATE to exclude more time to MR. SIGOUIN'S speedy trial.

Sixth. MR. SIGOUIN has been ready to go to trial since the day he was arrested and has stated so several times in court he has plead NOT GUILTY and still MR. INCIONG keeps changing and adding charges obviously to persecute MR. SIGOUIN who has a right to a fair and speedy trial which he has not RECIEVED therefore this case MUST BE DISMISSED because of BREECH OF SPEEDY TRIAL ACT and VINDICTIVE PROSECUTION by an immature and unprofessional prosecutor MARK A. INCIONG ESQ A.U.S.A. they MUST BE DISMISSED WITH PREJUDICE because MR. ROBERT A. SIGOUIN will never be able to get a fair trial.

Seventh. MR. ROBERT A. SIGOUIN is being discriminated against because he was born in CANADA he has raised 3 sons here in HAWAII and is in the process of raising a 11 year old bright wonderful daughter who loves her Father very much, his sons are all responsible adults and MR. SIGOUIN, who has admitted to drug problems has never used drugs in front of his children and has worked very hard as a ROOFER for over 30 years while his ~~CO~~ DEFENDANT KEVIN CASH has never had a job and was caught with

heroin, ice, money and a 357 magnum pistol in his possession, when arrested and is out. ROBERT SIGOUIN will never use drugs again and is actually thankful to GOD for his prison time because he realized he doesn't ever need any drugs again and wants to dedicate his life to his family. Heck ROBERT SIGOUIN will probably be deported to CANADA anyhow which will make it very difficult on the family.

Therefore there is no way ROBERT A. SIGOUIN can ever get a Fair trial and his rights as a human being have been violated and must be released.

By Robert Sigouin  
lawful man  
1-9-2006 A.D.

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Affidavit in support of MANDATORY  
JUDICIAL NOTICE OF VINDICTIVE PROSECUTION, VIOLATION OF  
SPEEDY TRIAL AND PETITION FOR IMMEDIATE DISMISSAL  
OF CASE #CR 05-00248 JMS.

The above statements in the MANDATORY  
JUDICIAL NOTICE OF VINDICTIVE PROSECUTION, VIOLATION  
OF SPEEDY TRIAL AND PETITION FOR IMMEDIATE DISMISSAL  
OF CASE #CR 05-00248 JMS. are all true, correct, not  
misleading, the truth, whole truth, and nothing but the  
truth to the best of my first hand knowledge. I  
Robert Sigouin a lawful man and living soul do  
affirm this Affidavit with unlimited commercial liability.

Signed under penalty of perjury  
before God and man.

Robert Sigouin

On this day the 22nd of Jan, 2006 AD, before  
me personally appeared Robert Sigouin to me known to  
be the person described in and who executed the  
foregoing instrument, and acknowledged that he  
executed the same as his free act and deed.

Witness my signature,

Martin E. Jones  
Judge of Probate

Martin E. Jones